

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, AS FUND
MANAGER OF THE NEW ENGLAND
TEAMSTERS AND TRUCKING
INDUSTRY PENSION FUND

v.

PYTKO CONSTRUCTION CORP.

C.A. No. 04-12001NG

ANSWER

Defendant, Pytko Construction Corp. ("Pytko") hereby answers Plaintiff's Complaint as follows.

1. This is a prefatory paragraph to which no response is required. To the extent that a response is required, Denied.
2. This paragraph states a legal conclusion to which no response is required. To the extent that a response is required, Denied.
3. Pytko is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 3 and therefore, they are Denied.
4. Admitted that Pytko has a place of business at 654 Eddie Dowling Highway, North Smithfield, RI 02896. The remaining averments in paragraph 4 call for a legal conclusion to which no response is required. To the extent that any further response is required, Denied.
5. This paragraph states a legal conclusion to which no response is required. To the extent that any further response is required, Denied.
6. Admitted that Pytko is a party to a collective bargaining agreement. Pytko further states that the collective bargaining agreement and any Agreement and Declaration of Trust speak for themselves. To the extent that any further response is required, Denied.
7. Denied.

First Affirmative Defense

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

PYTKO CONSTRUCTION CORP.
By its Attorneys,



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CERTIFICATION

I hereby certify that I have mailed a true copy of the within Answer to Catherine M. Campbell, Esq. Feinberg, Campbell & Zack, P.C., 177 Milk Street, Suite 300, Boston, MA 02109 this 22nd day of OCTOBER, 2004.


